

ANNEX 1
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 24 April 2024 10:26
To: OTP CAR IIB; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on Submitted Materials for D30-4756

Follow Up Flag: Follow up
Flag Status: Flagged

[ICC] RESTRICTED

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the email on the submission of evidence following the examination of D30-4756 by the Ngaissona Defence and the Prosecution's objection thereto (see email from the Ngaissona Defence, 22 February 2024, at 17:19; email from the Prosecution, 23 February, at 17:53).

The Chamber notes that upon receipt of the Prosecution's objection, the Ngaissona Defence clarified that it accidentally included item CAR-OTP-2032-0753 in its submission request (see email from the Ngaissona Defence, 23 February 2024, at 18:09). The request with regard to this item is thus moot.

The Chamber notes that item **CAR-D30-0005-0020** has been recognised as submitted pursuant to Rule 68(2)(b) of the Rules in decision ICC-01/14-01/18-2382 concerning D30-4777. However, such recognition is conditional on the declaration being provided under Rule 68(2)(b) (ii) and (iii), and the Chamber notes that no such declaration has been received. In the interests of efficiency and noting that the item has been used and discussed with D30-4756, the Chamber considers it appropriate to recognise the item as formally submitted in the present decision.

Thus in the absence of any procedural bars, the Chamber recognises as formally submitted the following items:

Document ID	Document Title	Document Type
CAR-D30-0001-0098	Lettre à Madame la Procureur de la CPI "Témoignages et doléances"	Correspondence (letter)
CAR-D30-0005-0020	Photo Douala 2	Photograph/s
CAR-D30-0006-0048	ACTE DE DECES - [REDACTED]	Certificate
CAR-D30-0028-0001	Decharge	Non ICC Statement (Note / Screening / Transcript)
CAR-D30-0028-0003	AVED - fiche d'identification des victimes [REDACTED]	Non ICC Statement (Note / Screening / Transcript)
CAR-D30-0028-0005	AVED - fiche d'identification des victimes [REDACTED]	Non ICC Statement (Note / Screening / Transcript)
CAR-OTP-2032-0783	Annex 1	Sketch
CAR-OTP-2032-0786	Annex 3	Photograph/s

CAR-OTP-2032-0787	Annex 3A	Personal data
CAR-OTP-2032-0788	Exhibit 1 / Annex 4	Photograph/s
CAR-OTP-2032-0796	Annex 8 / Plainte contre X des éléments SELEKA Pour assassinat volontaire de l'enfant : ██████████	Complaint
CAR-OTP-2032-0803	Annex 9 / Victime de : destructions, pillages, balle niveau genoux, Pertes humaines : ██████████ ██████ de la part d'individus dénommés SELEKA, Tchadiens et consorts.-	Complaint
CAR-OTP-2057-0160	AFP- TV_20130416_WAR_CAF_ConflitAfrique_VID507718_FR_fr.mp4	Audio / Video Material

In addition, the Chamber recalls that recognising the formal submission of audio-visual material automatically includes recognising the formal submission of any associated transcripts or translations which were duly disclosed. The Registry should thus update henceforth the submission status of any associated transcripts and translations in the JEM code (see ICC-01/14-01/18-631, para. 64; ICC-01/14-01/18-1547, paras 25-26).

The Registry is directed to proceed in accordance with paragraph 63(v) of the Initial Directions, ICC-01/14-01/18-631.

Kind regards, TC V

From: ██████████
Sent: Friday, February 23, 2024 6:09 PM
To: OTP CAR IIB ██████████; Trial Chamber V Communications ██████████
Cc: D30 Ngaissona Defence Team ██████████; D29 Yekatom Defence Team ██████████; V44 LRV Team OPCV ██████████; V44 LRV Team ██████████ V45 LRV Team ██████████; Associate Legal Officer-Court Officer ██████████>
Subject: Re: Ngaissona Defence - Items to be submitted through witness CAR-D30-P-4756

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Trial Chamber V,

On behalf of the Ngaissona Defence ('Defence'), we would like to clarify that item CAR-OTP-2032-0753-R01 was accidentally included in our list of items to be submitted through witness CAR-D30-P-4756.

The Defence does not in fact request its submission to the case record as it is testimonial in nature.

To avoid any confusion, below you may find the correct version of the list of items to be submitted.

Count	Document ID	Document Title	Document Type	WIT - Throu
1.	CAR-D30-0001-0098	Lettre à Madame la Procureur de la CPI "Témoignages et doléances"	Correspondence (letter)	CAR-D 4756

2.	CAR-D30-0005-0020	Photo Douala 2	Photograph/s	CAR-D 4756
3.	CAR-D30-0006-0048	ACTE DE DECES - [REDACTED]	Certificate	CAR-D 4756
4.	CAR-D30-0028-0001-R01	Decharge	Non ICC Statement (Note / Screening / Transcript)	CAR-D 4756
5.	CAR-D30-0028-0003-R01	AVED - fiche d'identification des victimes [REDACTED]	Non ICC Statement (Note / Screening / Transcript)	CAR-D 4756
6.	CAR-D30-0028-0005-R01	AVED - fiche d'identification des victimes [REDACTED]	Non ICC Statement (Note / Screening / Transcript)	CAR-D 4756
7.	CAR-OTP-2032-0783	Annex 1	Sketch	CAR-D 4756
8.	CAR-OTP-2032-0786	Annex 3	Photograph/s	CAR-D 4756
9.	CAR-OTP-2032-0787	Annex 3A	Personal data	CAR-D 4756
10.	CAR-OTP-2032-0788	Exhibit 1 / Annex 4	Photograph/s	CAR-D 4756
11.	CAR-OTP-2032-0796	Annex 8 / Plainte contre X des éléments SELEKA Pour assassinat volontaire de l'enfant : [REDACTED]	Complaint	CAR-D 4756
12.	CAR-OTP-2032-0803	Annex 9 / Victime de : destructions, pillages, balle niveau genoux, Pertes humaines : [REDACTED] de la part d'individus dénommés SELEKA, Tchadiens et consorts.-	Complaint	CAR-D 4756
13.	CAR-OTP-2057-0160	AFP-TV_20130416_WAR_CAF_ConflitAfrique_VID507718_FR_fr.mp4	Audio / Video Material	CAR-D 4756

Apologies for the inconvenience.

Kind regards,

[REDACTED]

[REDACTED]

Case Manager – Ngaïssona Defence Team

International Criminal Court (ICC)

Telephone number: [REDACTED]

[REDACTED]

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From: OTP CAR IIB [REDACTED]
Sent: 23 February 2024 17:53
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Ngaissona Defence - Items to be submitted through witness CAR-D30-P-4756

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Trial Chamber V,

The Prosecution objects to the submission of CAR-OTP-2032-0753-R01 on the basis that it constitutes prior recorded testimony. *First*, the Defence neglected to submit a timely request for the formal submission of her prior recorded testimony pursuant to Rule 68(3) of the Rules (see ICC-01/14-01/18-2264, para. 8, see also, 'Directions in relation to the deadline for Rule 68(3) requests and the next evidentiary block' setting out that, " [t]he Single Judge considers it prudent to shorten the 45-day deadline set by the Chamber in decision ICC-01/14-01/18-2264 to 3 weeks before the start of a witness's scheduled testimony"). *Second*, the Defence never led the necessary criteria to qualify the admission of the statement – even when it was specifically pointed out in Court in a Prosecution's objection to the form of questioning that, "this is not a 68(3) witness"(T-268 RT, p.45, l.14) , of which the Chamber took specific note in confirming this observation (T-268 RT, p.45, l.20).

Best regards,
 On behalf of OTP Trial Team

De : [REDACTED]
Envoyé : jeudi 22 février 2024 17:19
À : Trial Chamber V Communications [REDACTED]
Cc : D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Objet : Ngaissona Defence - Items to be submitted through witness CAR-D30-P-4756

[ICC] RESTRICTED

Dear Trial Chamber V,

Pursuant to paragraph 63(i) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Defence for Mr. Ngaissona requests the submission of the following items used during CAR-D30-P-4756's questioning by the calling party:

Count	Document ID	Document Title	Document Type	WIT - Used Throu

1.	CAR-D30-0001-0098	Lettre à Madame la Procureur de la CPI "Témoignages et doléances"	Correspondence (letter)	CAR-D30-F-4756
2.	CAR-D30-0005-0020	Photo Douala 2	Photograph/s	CAR-D30-F-4756
3.	CAR-D30-0006-0048	ACTE DE DECES - [REDACTED]	Certificate	CAR-D30-F-4756
4.	CAR-D30-0028-0001-R01	Decharge	Non ICC Statement (Note / Screening / Transcript)	CAR-D30-F-4756
5.	CAR-D30-0028-0003-R01	AVED - fiche d'identification des victimes [REDACTED]	Non ICC Statement (Note / Screening / Transcript)	CAR-D30-F-4756
6.	CAR-D30-0028-0005-R01	AVED - fiche d'identification des victimes [REDACTED]	Non ICC Statement (Note / Screening / Transcript)	CAR-D30-F-4756
7.	CAR-OTP-2032-0753-R01	WITNESS STATEMENT	ICC Statement - General	CAR-D30-F-4756 CAR-OTP-F-0992
8.	CAR-OTP-2032-0783	Annex 1	Sketch	CAR-D30-F-4756
9.	CAR-OTP-2032-0786	Annex 3	Photograph/s	CAR-D30-F-4756
10.	CAR-OTP-2032-0787	Annex 3A	Personal data	CAR-D30-F-4756
11.	CAR-OTP-2032-0788	Exhibit 1 / Annex 4	Photograph/s	CAR-D30-F-4756
12.	CAR-OTP-2032-0796	Annex 8 / Plainte contre X des éléments SELEKA Pour assassinat volontaire de l'enfant : [REDACTED]	Complaint	CAR-D30-F-4756
13.	CAR-OTP-2032-0803	Annex 9 / Victime de : destructions, pillages, balle niveau genoux, Pertes humaines : [REDACTED] de la part d'individus dénommés SELEKA, Tchadiens et consorts.-	Complaint	CAR-D30-F-4756

14.	CAR-OTP-2057-0160	AFP-TV_20130416_WAR_CAF_ConflitAfrique_VID507718_FR_fr.mp4	Audio / Video Material	CAR-D30-F4756
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Kind regards,

[REDACTED]

[REDACTED]

Case Manager – Ngaïssona Defence Team

International Criminal Court (ICC)

Telephone number: [REDACTED]

[REDACTED]

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